(B)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2219 of 2001.

PETITIONER : M.R.Mandavi, aged about 51 years, son of Shri Rati Ram Mandavi, R/o village Nara Tah. & Distt. Kanker (C.G.).

P.R. No. 2207/01
Presented by Shri Rupak Kothari
dated 16/10/01

V E R S U S

RESPONDENTS : 1. Madhya Pradesh Rajya Van Vikas Nigam Limited Through : Chairman, Bhopal (M.P.).

2. Regional General Manager, Chhattisgarh, Rajya Van Vikas Nigam, Raipur (C.G.)

3. Divisional Manager, Antagarh Project Division, Bhanupratappur.

4. Additional Managing Director, Chhattisgarh Van Vikas Nigam, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA :

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(32)

आदेश पत्रक

मामला क्रमांक W.P. No. 2219/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

31/03/2004

Shri Parag Kotecha, counsel for the petitioner.

By this writ petition under Article 226 of the Constitution of India, petitioner seeks to challenge the orders dated 31/07/2001, 09/05/2001 and 15/05/2001 (Annexure P/6).

After conducting the enquiry the penalty was imposed upon the petitioner vide Annexure P/6, in which the petitioner was reverted to the lowest grade of Field Man and three increments were also stopped and the period between 29/10/1997 to 15/03/1998 was directed to be treated as under suspension period and it was further directed that Rs.49,491.50 be recovered from the petitioner in lumpsum. Against this order, the petitioner has already preferred an appeal before the Managing Director, Forest Development Corporation under Rule 136 of Chhattisgarh Forest Development Corporation Service Rules, 1984. The petitioner has already availed alternative remedy and the appeal is pending before the appropriate authority. Therefore, in my opinion, this writ petition is not maintainable unless that appeal is decided.

Learned counsel for the petitioner submits that the petitioner had to file this writ petition perforce as the department immediately started taking steps for recovery of the amount of Rs.49,491.50. For this purpose, the petitioner is entitled to make an application in the appeal for stay of the recovery of the proceedings. On filing of the application the appropriate authority will pass an appropriate order. The appeal was filed as back as on 30/05/2001, almost three years are going to expire. But the appeal has not been decided so far, therefore, it is directed that the Appellate Authority

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(33)

आदेश पत्रक

मामला क्रमांक ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

should decide the appeal as early as possible, but not latter than three months from today.

With the above observations and directions, this writ petition stands disposed of. Consequently, I.A.No.4739/2001 also stands disposed of.

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये